

**State of New Jersey**

Christine Todd Whitman  
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.  
Commissioner

Bureau of Underground Storage Tanks

P.O. Box 433  
401 East State Street  
Trenton, NJ 08625  
Fax (609) 633-1454

APR 30 1999

Edison Job Corps  
500 Plainfield Avenue  
Edison, NJ 08817  
Attention: Lee Mathews

Re: Unrestricted Use - No Further Action Letter and Covenant Not to Sue

Area of Concern:

One 4,000 gallon #2 heating oil tank Tank 1  
One 4,000 gallon #2 heating oil tank Tank E3  
One 3,000 gallon #2 heating oil tank Tank 655  
One 500 gallon #2 heating oil tank Tank 800  
One 1,000 gallon #2 heating oil tank Tank 801  
One 1,000 gallon #2 heating oil tank Tank 806  
One 1,500 gallon #2 heating oil tank Tank 822  
One 1,500 gallon #2 heating oil tank Tank 871  
One 1,500 gallon #2 heating oil tank Tank 967

Edison Job Corps Center  
500 Plainfield Avenue  
Edison, Middlesex County  
Block 3B Lot 20  
KCSL #NJL880003017  
Cnse #96-12-19-1845-00  
Closure #C96-1056  
UST #0266196

Well Permit # 25-51574, 25-51575, 25-51576, 25-51579, 25-51580, 25-51581

Dear Mr. Mathews:

Pursuant to N.J.S.A. 58:10B-13.1 and N.J.A.C. 7:26C, the New Jersey Department of Environmental Protection (Department) makes a determination that no further action is necessary for the remediation of the areas of concern as specifically referenced above, except as noted below, so long as Edison Job Corps did not withhold any information from the Department. This action is based upon information in the Department's case file and Edison Job Corps's final certified report dated December 28, 1998. In issuing this No Further Action Determination and Covenant Not to Sue, the Department has relied upon the certified representations and information provided to the Department.

By issuance of this No Further Action Determination, the Department acknowledges the completion of a Remedial Investigation and Remedial Action pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the areas of concern referenced above, and no other areas.

### NO FURTHER ACTION CONDITIONS

As a condition of this No Further Action Determination Edison Job Corps as well as each subsequent owner, lessor and operator (collectively "Successors") shall comply with each of the following:

#### Name and Address Changes

Pursuant to N.J.S.A. 58:10B-12, Edison Job Corps and the Successors shall inform the Department in writing whenever its name or address changes, within 14 calendar days after the change.

#### Well Sealing

Pursuant to N.J.S.A. 58:4A, Edison Job Corps and the Successors shall properly seal all monitoring wells installed as part of a remediation that will no longer be used for ground water monitoring. Wells shall be sealed by a certified and licensed well driller in accordance with the requirements of N.J.A.C. 7:9-9. The well abandonment forms shall be completed and submitted to the Bureau of Water Allocation. Please call (609) 984-6831 for forms and information.

### COVENANT NOT TO SUE

The Department issues this Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.1. That statute requires a covenant not to sue with each no further action letter. However, in accordance with N.J.S.A. 58:10B-13.1, nothing in this Covenant shall benefit any person who is liable, pursuant to the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11, for cleanup and removal costs and the Department makes no representation by the issuance of this Covenant, either express or implied, as to the Spill Act liability of any person.

The Department covenants, except as provided in the preceding paragraph, that it will not bring any civil action against the following:

- (a) the person who undertook the remediation;
- (b) subsequent owners of the subject property;
- (c) subsequent lessees of the subject property; and
- (d) subsequent operators at the subject property.

for the purposes of requiring remediation to address contamination which existed prior to the date of the final certified report for the real property at areas of concern referenced above, or payment of cleanup and removal costs for such additional remediation.

Pursuant to N.J.S.A. 58:10B-13.1d, this Covenant does not relieve any person from the obligation to comply in the future with laws and regulations. The Department reserves its right to take all appropriate enforcement for any failure to do so.

The Department may revoke this Covenant at any time after providing notice upon its determination that either:

- (a) any person with the legal obligation to comply with any condition in this No Further Action Letter has failed to do so; or
- (b) any person with the legal obligation to maintain or monitor any engineering or institutional control has failed to do so.

This Covenant Not to Sue, which the Department has executed in duplicate, shall take effect immediately once the person who undertook the remediation has signed and dated the Covenant Not to Sue in the lines supplied below and the Department has received one copy of this document with original signatures of the Department and the person who undertook the remediation.

Name: Lee Mathews  
Edison Job Corps

Signature: \_\_\_\_\_

Title:

Dated: \_\_\_\_\_

NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

Name: Kevin F. Kratina

Signature: *Joseph A. Miller (for)*

Title: Chief, Bureau of Underground Storage Tanks

Dated: APR 30 1999

NOTICES

Due to the presence of chloroform, bis (2 ethylhexyl) phthalate and di-n-butyl phthalate in ground water, from an unknown source, at concentrations below the Ground Water Quality Standards, a referral has been made to the Edison Twp. Division of Health and Middlesex County Health Department for their information and follow up. Please direct all questions and correspondence regarding this issue to:

Edison Twp. Division of Health  
John Grun, Health Officer  
Municipal Complex, 100 Municipal Boulevard  
Edison, NJ 08817-3553

Middlesex County Health Department  
Thomas Sikorski, Division Head  
841 Georges Road  
North Brunswick, NJ 08902

Thank you for your attention to these matters. If you have any questions, please contact Judy Bayard, Case Manager, at (609) 633-0836.

Sincerely,

*Joseph A. Miller (for)*  
Kevin F. Kratina, Chief  
Bureau of Underground Storage Tanks

c: Judy Bayard, BUST  
Kevin Kratina, BUST  
NJDEP-Bureau of Water Allocation  
Edison Twp. Division of Health  
Middlesex County Health Department  
Municipal Clerk, Edison Township  
A.W.K. Associates, Inc.